

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
Deputy Attorney General
4 State Bar No. 226937
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 355-5437
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2010-324**

11 **RYAN B. CLARK**
12 **aka RYAN B. HALL**
875 Gull Drive
13 P.O. Box 336
Bodega Bay, CA 94923

A C C U S A T I O N

14 **Registered Nurse License No. RN 628668**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about October 30, 2003, the Board of Registered Nursing issued Registered
23 Nurse License Number RN 628668 to Ryan B. Clark (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on October 31, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28

1 Department of Consumer Affairs, under the authority of the following laws. All section
2 references are to the Business and Professions Code unless otherwise indicated.

3 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
4 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
5 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
6 Nursing Practice Act.

7 5. Section 2764 states:

8 "The lapsing or suspension of a license by operation of law or by order or decision of
9 the board or a court of law, or the voluntary suspension of a license by a licentiate shall not
10 deprive the board of jurisdiction to proceed with any investigation of or disciplinary proceeding
11 against such license, or to render a decision suspending or revoking such license."

12 6. Section 2811, subdivision (b), provides in pertinent part, that each license not
13 renewed in accordance with that section shall expire, but may within a period of eight years
14 thereafter be reinstated.

15 7. Section 2761 of the Code states:

16 "The board may take disciplinary action against a certified or licensed nurse or deny an
17 application for a certificate or license for any of the following:

18 "(a) Unprofessional conduct. . ."

19 8. Section 2762 of the Code states:

20 "In addition to other acts constituting unprofessional conduct within the meaning of this
21 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
22 chapter to do any of the following:

23 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
24 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
25 administer to another, any controlled substance as defined in Division 10 (commencing with
26 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
27 defined in Section 4022.
28

1 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
3 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
4 himself or herself, any other person, or the public or to the extent that such use impairs his or her
5 ability to conduct with safety to the public the practice authorized by his or her license.

6 ..."

7 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
8 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
9 section."

10 DRUGS

11 9. Hydromorphone is a generic drug known by the trade names Dilaudid and Dilaudid
12 HP (High Potency). It is a dangerous drug pursuant to section 4022 of the Code. It is a Schedule
13 II controlled substance pursuant to Health and Safety Code section 11055(b)(1)(K).
14 Hydromorphone is an opiate used to relieve pain.

15 10. Morphine is a dangerous drug pursuant to section 4022 of the Code. It is a Schedule
16 II controlled substance pursuant to Health and Safety Code section 11055(b)(1)(M). Morphine is
17 an opiate used to relieve pain.

18 11. Percocet is the brand name of oxycodone/acetaminophen. It is a dangerous drug
19 pursuant to section 4022 of the Code. It is a Schedule II controlled substance pursuant to Health
20 and Safety Code section 11055(b)(1)(N). Percocet is an opiate used to relieve pain.

21 12. Marijuana is a Schedule I controlled substance pursuant to Health and Safety Code
22 section 11054(d)(13).

23 13. Cocaine is a Schedule I controlled substance pursuant to Health and Safety Code
24 section 11054(f)(1).

25 14. Methamphetamine is a Schedule II controlled substance pursuant to Health and
26 Safety Code section 11055(d)(2).

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1 FACTUAL HISTORY

2 15. From on or about July 7, 2006 until July 22, 2006, Respondent diverted
3 Hydromophone, Percocet, and Morphine from his employer, Kaiser Permanente (San Rafael
4 Medical center).

5 16. Respondent would remove Hydromophone, Percocet, and Morphine from Kaiser's
6 pyxis machine but would fail to chart the medication on the patients' charts or make a record of
7 wasting the medication.

8 17. Respondent was terminated from Kaiser Permanente for diverting drugs.

9 18. Respondent diverted Hydromophone, Percocet, and Morphine for personal use.

10 19. Respondent also used marijuana on a daily basis, methamphetamine, and cocaine.

11 FIRST CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct)

13 20. Respondent is subject to disciplinary action under section 2761(a) of the code in that
14 Respondent was involved in unprofessional conduct. The circumstances described in paragraphs
15 15-19, above.

16 SECOND CAUSE FOR DISCIPLINE

17 (Obtain and Possess Dangerous Drugs)

18 21. Respondent is subject to disciplinary action under section 2762(a) of the code in that
19 Respondent obtained or possessed controlled substances and dangerous drugs in violation of law.
20 The circumstances described in paragraph 15-19, above.

21 THIRD CAUSE FOR DISCIPLINE

22 (Dangerous Use of Drugs)

23 22. Respondent is subject to disciplinary action under section 2762(b) of the code in that
24 Respondent used controlled substances and dangerous drugs in a manner that was dangerous or
25 injurious to himself, any other person, or the public or to an extent that impaired his ability to
26 safely conduct the practice authorized by his license. The circumstances described in paragraph
27 15-19, above.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (False Entries on Records)

3 23. Respondent is subject to disciplinary action under section 2761(e) of the code in that
4 Respondent made false entries regarding the hydromorphone, morphine, and percocet that he
5 diverted. When Respondent removed the hydromorphone, morphine, or percocet from the pyxis
6 machine he entered (on the pyxis machine) that the drugs were to be used for specific patients.
7 These entries were false as Respondent took the drugs for his own personal use.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

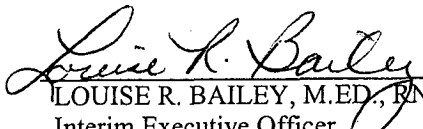
11 1. Revoking or suspending Registered Nurse License Number RN 628668, issued to
12 Ryan B. Clark.

13 2. Ordering Ryan B. Clark to pay the Board of Registered Nursing the reasonable costs
14 of the investigation and enforcement of this case, pursuant to Business and Professions Code
15 section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.

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18
19 DATED: _____

1/12/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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